



General Assembly

January Session, 2015

Raised Bill No. 1027

LCO No. 4319



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING MANAGEMENT OF INDIVIDUALS
COMMITTED TO THE PSYCHIATRIC SECURITY REVIEW BOARD.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-580 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in this section, sections 17a-581 to [17a-602] 17a-603,
4 inclusive, and [this] section 2 of this act:

5 (1) "Acquittee" means any person found not guilty by reason of
6 mental disease or defect pursuant to section 53a-13;

7 (2) "Board" means the Psychiatric Security Review Board established
8 pursuant to section 17a-581;

9 (3) "Conditional release" means release [subject] of the acquittee
10 from a hospital for psychiatric disabilities to the jurisdiction of the
11 board for supervision and treatment [on an outpatient basis] and
12 includes, but is not limited to, the monitoring of mental and physical
13 health treatment;

14 (4) "Court" means the Superior Court;

15 (5) "Danger to himself or others" includes danger to the property of
16 others;

17 (6) ["Hospital for mental illness"] "Hospital for psychiatric
18 disabilities" means any public or private hospital, retreat, institution,
19 house or place in which a person with psychiatric disabilities or drug-
20 dependent person is received or detained as a patient, but does not
21 include any correctional institution of the state;

22 (7) ["Mental illness"] "Psychiatric disability" includes any mental
23 illness in a state of remission when the illness may, with reasonable
24 medical probability, become active. "Psychiatric disability" does not
25 include an abnormality manifested only by repeated criminal or
26 otherwise antisocial conduct;

27 (8) "Intellectual disability" has the same meaning as provided in
28 section 1-1g;

29 (9) "Person who should be conditionally released" means an
30 acquittee who has psychiatric disabilities or has intellectual disability
31 to the extent that his final discharge would constitute a danger to
32 himself or others but who can be adequately controlled with available
33 supervision and treatment on conditional release;

34 (10) "Person who should be confined" means an acquittee who has
35 psychiatric disabilities or has intellectual disability to the extent that
36 such acquittee's discharge or conditional release would constitute a
37 danger to the acquittee or others and who cannot be adequately
38 controlled with available supervision and treatment on conditional
39 release;

40 (11) "Person who should be discharged" means an acquittee who
41 does not have psychiatric disabilities or does not have intellectual
42 disability to the extent that such acquittee's discharge would constitute

43 a danger to the acquittee or others;

44 (12) "Psychiatrist" means a physician specializing in psychiatry and
45 licensed under the provisions of sections 20-9 to 20-12, inclusive;

46 (13) "Psychologist" means a clinical psychologist licensed under the
47 provisions of sections 20-186 to 20-195, inclusive;

48 (14) "State's attorney" means the state's attorney for the judicial
49 district wherein the acquittee was found not guilty by reason of mental
50 disease or defect pursuant to section 53a-13;

51 (15) "Superintendent" means any person, body of persons or
52 corporation, or the designee of any such person, body of persons or
53 corporation, which has the immediate supervision, management and
54 control of a hospital for [mental illness] psychiatric disabilities and the
55 patients therein.

56 Sec. 2. (NEW) (*Effective from passage*) (a) If an acquittee who is in the
57 custody of the Commissioner of Mental Health and Addiction Services
58 under the jurisdiction of the board and confined in a hospital for
59 psychiatric disabilities has an outstanding term of imprisonment, the
60 acquittee may be conditionally released to the Commissioner of
61 Correction until such outstanding term of imprisonment has been
62 completed.

63 (b) If an acquittee, while in the in the custody of the Commissioner
64 of Mental Health and Addiction Services under the jurisdiction of the
65 board and confined in a hospital for psychiatric disabilities is
66 arraigned on charges involving a felony offense or a class A
67 misdemeanor under section 53a-61, 53a-61a, 53a-62, 53a-63 or 53a-64cc
68 of the general statutes, the court may impose financial and
69 nonfinancial conditions of release pursuant to section 54-64a of the
70 general statutes and order such acquittee transferred to the custody of
71 the Commissioner of Correction for any period of pretrial detention
72 when the crimes charged, or facts and circumstances brought to the

73 attention of the court, suggest that the acquittee may pose a significant
74 risk to the safety of hospital patients, staff and visitors. The
75 Commissioner of Mental Health and Addiction Services, in
76 consultation with the Commissioner of Correction, may submit and
77 the court shall consider a report on the degree to which the acquittee
78 presents a significant safety or security risk to hospital patients, staff
79 and visitors.

80 (c) If an acquittee is convicted of a criminal offense and sentenced to
81 the custody of the Commissioner of Correction, the acquittee shall be
82 transferred to the Department of Correction to serve such sentence.
83 Prior to the conclusion of such sentence, the board shall hold a hearing
84 pursuant to section 17a-585 of the general statutes and take action
85 pursuant to section 17a-584 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17a-580
Sec. 2	<i>from passage</i>	New section

Statement of Purpose:

To: (1) Clarify the definition of "conditional release", (2) define "psychiatric disability" in a manner that is consistent with section 53a-13 of the general statutes, (3) allow the Department of Correction to monitor an acquittee who is released under a "conditional release", and (4) permit the transfer of an acquittee who is charged with a criminal offense while in the custody of the Department of Mental Health and Addiction Services to the Department of Correction, if appropriate.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]